

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JANICE KAY HALLER,)
Plaintiff,)
V.)
KILOLO KIJAKAZI, Acting Commissioner)
of Social Security,)
Defendant.)
CIVIL ACTION NO. SA-19-CA-00868-FB

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 19), filed on March 1, 2023, concerning the Motion and Brief for Attorney Fees Pursuant to 42 U.S.C. § 406(b) (docket no. 16) filed by David F. Chermol, counsel for Plaintiff Janice Kay Haller. To date, no objections to the Report and Recommendation have been received.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

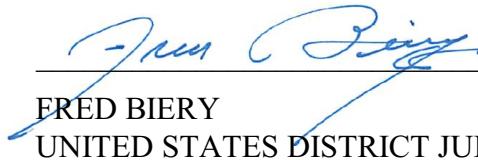
IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 19) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that counsel's

¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

Motion and Brief for Attorney Fees Pursuant to 42 U.S.C. § 406(b) (docket no. 16) is GRANTED IN PART such that counsel shall RECEIVE an award in the amount of \$11,614.50 and counsel is ORDERED to return to Plaintiff directly the \$6,194.00 in EAJA fees he previously received.

It is so ORDERED.

SIGNED this 20th day of March, 2023.



FRED BIERY
UNITED STATES DISTRICT JUDGE